

## Department of Veterans Affairs

## § 21.260

may be furnished to a veteran with a serious employment handicap if the veteran also meets the following conditions:

(1) Self-employment is clearly shown to be the soundest method of achieving rehabilitation; or

(2) Self-employment is selected as an alternative to retaining the veteran in another occupation, and the cost of a self-employment program will not exceed the cost of retraining in another occupation.

(d) *Assisting a veteran with an employment handicap to become self-employed.* A veteran with an employment handicap may not be furnished any of the special services described in § 21.214(e). However, if it is determined that consideration of self-employment is warranted, VA may provide:

(1) Incidental training in the management of a small business;

(2) License or other fees required for employment and self-employment; and

(3) The tools and supplies which would ordinarily be required for the

veteran to begin employment in the field in which the veteran has trained.

(Authority: 38 U.S.C. 3104(a)(12))

[49 FR 40814, Oct. 18, 1984; 50 FR 9622, Mar. 11, 1985, as amended at 55 FR 25975, June 26, 1990; 55 FR 28511, July 11, 1990]

### MONETARY ASSISTANCE SERVICES

#### § 21.260 Subsistence allowance.

(a) *General.* A veteran participating in a rehabilitation program under 38 U.S.C. Chapter 31 will receive a monthly subsistence allowance at the rates in paragraph (b) of this section, unless the veteran elects to receive payment at the rate of monthly educational assistance allowance payable under 38 U.S.C. Chapter 30 for the veteran's type of training. See § 21.264 for election of payment at the Chapter 30 rate and §§ 21.7136, 21.7137, and 21.7138 to determine the applicable Chapter 30 rate.

(Authority: 38 U.S.C. 3108(a), 3108(f))

(b) *Rate of payment.* VA pays subsistence allowance at the rates stated in the following tables:

(1) Subsistence allowance is paid at the following rates effective October 1, 1994, and before November 2, 1994:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$374.93	\$465.08	\$548.05	\$39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
Nonpay or nominal pay on-job training in a Federal, State, or local agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	374.93	465.08	548.05	39.95
Nonpay or nominal pay work experience in a Federal, State, or local agency:				
Full-time .....	374.93	465.08	548.05	39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
Farm cooperative, apprenticeship, or other on-job training: <sup>2</sup>				
Full-time only .....	327.81	396.44	456.88	29.71
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time .....	374.93	465.08	548.05	39.45
OJT greater than ½ time .....	327.81	396.44	456.88	29.71
Non-farm cooperative (Full-time only):				
Institutional .....	374.93	465.08	548.05	39.95
On-job .....	327.81	396.44	456.88	29.71
Improvement of rehabilitation potential:				
Full-time only .....	374.93	465.08	548.05	39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
¼ time <sup>3</sup> .....	94.24	116.78	137.27	10.24

<sup>1</sup> For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.

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<sup>2</sup>For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup>The quarter-time rate may be paid only during extended evaluation.

(2) Subsistence allowance is paid at the following rates effective November 2, 1994, and before October 1, 1995:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$374.93	\$465.08	\$548.05	\$39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	374.93	465.08	548.05	39.95
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	374.93	465.08	548.05	39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
Farm cooperative, apprenticeship, or other on-job training: <sup>2</sup>				
Full-time only .....	327.81	396.44	456.88	29.71
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time .....	374.93	465.08	548.05	39.45
OJT greater than ½ time .....	327.81	396.44	456.88	29.71
Non-farm cooperative (Full-time only):				
Institutional .....	374.93	465.08	548.05	39.95
On-job .....	327.81	396.44	456.88	29.71
Improvement of rehabilitation potential:				
Full-time only .....	374.93	465.08	548.05	39.95
¾ time .....	281.71	349.32	409.76	30.73
½ time .....	188.49	233.56	274.54	20.49
¼ time <sup>3</sup> .....	94.24	116.78	137.27	10.24

<sup>1</sup>For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.

<sup>2</sup>For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.

<sup>3</sup>The quarter-time rate may be paid only during extended evaluation.

(3) The following table states the monthly rates of subsistence allowance payable for participation in a rehabili-

tation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1995, and before October 1, 1996:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$385.80	\$478.57	\$563.94	\$41.11
¾ time .....	289.88	359.45	421.64	31.62
½ time .....	193.96	240.33	282.50	21.08
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	385.80	478.57	563.94	41.11
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or Indian tribe agency:				
Full-time .....	385.80	478.57	563.94	41.11
¾ time .....	289.88	359.45	421.64	31.62
½ time .....	193.96	240.33	282.50	21.08
Farm cooperative, apprenticeship, or other on-job training (OJT): <sup>2</sup>				
Full-time only .....	337.32	407.94	470.13	30.57
Combination of institutional and OJT (Full-time only):				

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Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional greater than 1/2 time .....	385.80	478.57	563.94	41.11
OJT greater than 1/2 time <sup>2</sup> .....	337.32	407.94	470.13	30.57
Non-farm cooperative (Full-time only):				
Institutional .....	385.80	478.57	563.94	41.11
On-job <sup>2</sup> .....	337.32	407.94	470.13	30.57
Improvement of rehabilitation potential:				
Full-time only .....	385.80	478.57	563.94	41.11
3/4 time .....	289.88	359.45	421.64	31.62
1/2 time .....	193.96	240.33	282.50	21.08
1/4 time <sup>3</sup> .....	96.97	120.17	141.25	10.54

<sup>1</sup>For measurement of rate of pursuit, see §§21.4270 through 21.4275.  
<sup>2</sup>For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup>The quarter-time rate may be paid only during extended evaluation.

(4) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1996, and before October 1, 1997:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$396.22	\$491.49	\$579.17	\$42.22
3/4 time .....	297.71	369.16	433.02	32.47
1/2 time .....	199.20	246.82	290.13	21.65
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	396.22	491.49	579.17	42.22
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	396.22	491.49	579.17	42.22
3/4 time .....	297.71	369.16	433.02	32.47
1/2 time .....	199.20	246.82	290.13	21.65
Farm cooperative, apprenticeship, or other on-job training (OJT) <sup>2</sup>				
Full-time only .....	346.43	418.95	482.82	31.40
Combination of institutional and OJT (Full-time only):				
Institutional greater than 1/2 time .....	396.22	491.49	579.17	42.22
OJT greater than 1/2 time <sup>2</sup> .....	346.43	418.95	482.82	31.40
Non-farm cooperative (Full-time only):				
Institutional .....	396.22	491.49	579.17	42.22
On-job <sup>2</sup> .....	346.43	418.95	482.82	31.40
Improvement of rehabilitation potential:				
Full-time only .....	396.22	491.49	579.17	42.22
3/4 time .....	297.71	369.16	433.02	32.47
1/2 time .....	199.20	246.82	290.13	21.65
1/4 time <sup>3</sup> .....	99.59	123.41	145.06	10.82

<sup>1</sup>For measurement of rate of pursuit, see §§21.4270 through 21.4275.  
<sup>2</sup>For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup>The quarter-time rate may be paid only during extended evaluation.

(5) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1997, and before November 1, 1998:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$407.31	\$505.25	\$595.39	\$43.40
¾ time .....	306.05	379.50	445.14	33.38
½ time .....	204.78	253.73	298.25	22.26
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	407.31	505.25	595.39	43.40
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	407.31	505.25	595.39	43.40
¾ time .....	306.05	379.50	445.14	33.38
½ time .....	204.78	253.73	298.25	22.26
Farm cooperative, apprenticeship, or other on-job training (OJT): <sup>2</sup>				
Full-time only .....	356.13	430.68	496.34	32.28
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time .....	407.31	505.25	595.39	43.40
OJT greater than ½ time <sup>2</sup> .....	356.13	430.68	496.34	32.28
Non-farm cooperative (Full-time only):				
Institutional .....	407.31	505.25	595.39	43.40
On-job <sup>2</sup> .....	356.13	430.68	496.34	32.28
Improvement of rehabilitation potential:				
Full-time only .....	407.31	505.25	595.39	43.40
¾ time .....	306.05	379.50	445.14	33.38
½ time .....	204.78	253.73	298.25	22.26
¼ time <sup>3</sup> .....	102.38	126.87	148.09	11.12

<sup>1</sup>For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.  
<sup>2</sup>For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup>The quarter-time rate may be paid only during extended evaluation.

(6) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1998, and before October 1, 1999:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$413.83	\$513.33	\$604.92	\$44.09
¾ time .....	310.95	385.57	452.26	33.91
½ time .....	208.06	257.79	303.02	22.62
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only .....	413.83	513.33	604.92	44.09
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	413.83	513.33	604.92	44.09
¾ time .....	310.95	385.57	452.26	33.91
½ time .....	208.06	257.79	303.02	22.62
Farm cooperative, apprenticeship, or other on-job training (OJT): <sup>2</sup>				
Full-time only .....	361.83	437.57	504.28	32.80
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time .....	413.83	513.33	604.92	44.09
OJT greater than ½ time <sup>2</sup> .....	361.83	437.57	504.28	32.80
Non-farm cooperative (Full-time only):				
Institutional .....	413.83	513.33	604.92	44.09
On-job <sup>2</sup> .....	361.83	437.57	504.28	32.80
Improvement of rehabilitation potential:				
Full-time only .....	413.83	513.33	604.92	44.09
¾ time .....	310.95	385.57	452.26	33.91
½ time .....	208.06	257.79	303.02	22.62

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Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
1/4 time <sup>3</sup> .....	104.02	128.90	151.51	11.30

<sup>1</sup> For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.  
<sup>2</sup> For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup> The quarter-time rate may be paid only during extended evaluation.

(7) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1999, and before October 1, 2000:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: <sup>1</sup>				
Full-time .....	\$420.45	\$521.54	\$614.60	\$44.80
3/4 time .....	315.93	391.74	459.50	34.45
1/2 time .....	211.39	261.91	307.87	22.98
Nonpay or nominal pay on-job training in a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor; institutional non-farm cooperative:				
Full-time only .....	420.45	521.54	614.60	44.80
Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time .....	420.45	521.54	614.60	44.80
3/4 time .....	315.93	391.74	459.50	34.45
1/2 time .....	211.39	261.91	307.87	22.98
Farm cooperative, apprenticeship, or other on-job training (OJT): <sup>2</sup>				
Full-time only .....	367.62	444.57	512.35	33.32
Combination of institutional and OJT (Full-time only):				
Institutional greater than 1/2 time .....	420.45	521.54	614.60	44.80
OJT greater than 1/2 time <sup>2</sup> .....	367.62	444.57	512.35	33.32
Non-farm cooperative (Full-time only):				
Institutional .....	420.45	521.54	614.60	44.80
On-job <sup>2</sup> .....	367.62	444.57	512.35	33.32
Improvement of rehabilitation potential:				
Full-time .....	420.45	521.54	\$614.60	\$44.80
3/4 time .....	315.93	391.74	459.50	34.45
1/2 time .....	211.39	261.91	307.87	22.98
1/4 time <sup>3</sup> .....	105.98	130.96	153.93	11.48

<sup>1</sup> For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.  
<sup>2</sup> For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.  
<sup>3</sup> The quarter-time rate may be paid only during extended evaluation.

(Authority: 38 U.S.C. 3108, 3115(a)(1); Pub. L. 103-446)

(c) *Subsistence allowance precluded.* A veteran may not receive a subsistence allowance when VA is providing the veteran only the following services:

- (1) Initial evaluation;
- (2) Placement and post-placement services under 38 U.S.C. 3105(b); or
- (3) Counseling.

(Authority: 38 U.S.C. 3108 (a)(1) and (a)(3))

(d) *Dependents.* The term *dependent* means a spouse, child or dependent par-

ent who meets the definition of relationship specified in §§ 3.50, 3.51, 3.57 or 3.59 of this chapter.

(Authority: 38 U.S.C. 3108(b))

[49 FR 40814, Oct. 18, 1984, as amended at 51 FR 9955, Mar. 24, 1986; 52 FR 42113, Nov. 3, 1987; 54 FR 4283, Jan. 30, 1989; 56 FR 7567, Feb. 25, 1991; 60 FR 4561, Jan. 24, 1995; 65 FR 51764, Aug. 25, 2000; 65 FR 60724, Oct. 12, 2000]